



Lexington County Fire Service

Standard Operating Guidelines
Arson Team Procedures/Crime Scene Procedures OPS-011

EFFECTIVE: December 1, 2007 **ISSUED BY:** Russell R. Rawl, Fire Service Coordinator

“EVERY CONTACT LEAVES ITS TRACE”

Wherever he steps, whatever he touches, whatever he leave, even unconsciously, will serve as silent witness against him. Not only his fingerprints or his footprints, but his hear, the fibers from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects – all these and more bear mute witness against him. This evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only its interpretation can err. Only human failure to find it, study it, and understand it can diminish its value.”

Edmond Locard 1877

RECINDS: All Previous Policies

SCOPE: All Lexington County Fire Service personnel

PURPOSE: To provide a structured set of guidelines pertaining to Crime Scene and Evidence Preservation as it relates to the responses of firefighters, EMS personnel, and first responders.

POLICY:

I. ESTABLISHED CRIME SCENE

The perimeter of the crime scene should be identified by yellow “Crime Scene” tape. An officer will be appointed to monitor entry into the scene and to assure the accuracy of the crime scene lot. Prior to entry, you should:

- Assess your need to enter the scene
- Sign the crime scene log

A. EXTERIOR

Observe and notate exterior condition of doors and windows:

Doors

- Open or closed
- Locked or unlocked

Windows

- Open or closed
- Broken or intact

Flames

- Location(s)
- Intensity

B. FATALITIES

Attempt to avoid causing any disturbance to the body and surrounding area if at all possible. If safety permits, please use a fog attack in the area immediately around the body as opposed to a straight stream.

NOTE: A fully charged 1¾" line can move, destroy, or dilute a great deal of evidence

C. TYPES OF EVIDENCE

1. Circumstantial: Circumstances or events that would suggest or imply guilt.

Examples:

- Subject seen near the crime scene
- A motive to commit the crime (insurance)
- Subject was the last person known to be with the victim

2. Direct Evidence: Physical items that directly place the suspect at or near the crime scene or having been within the crime scene.

Examples:

- Fingerprints, DNA, hair, fibers
- Bloodstains on clothing
- Weapons
- Positive test for GSR on hands

D. VICTIM CLOTHING

Avoid cutting through obvious holes, tears, or bloodstains when cutting away or removing clothing from a victim. Aspects of the investigation often times require that we be able to correlate damage to the clothing to specific wounds on the victim.

E. GUNSHOT RESIDUE TESTIG (GSR)

It is the policy of the Sheriff's Department to conduct GSR tests on all persons present within the scene at the time of gunshot(s). This includes victims and witnesses. When treating and transporting the victims of gunshot wounds, please make every effort to protect their hands, "bagging" them if it is at all possible.

F. TRACE EVIDENCE

Examples: Hair, fibers, paint chips, etc.

Always use extreme caution as it relates to trace evidence. This evidence will be small and difficult to see. Trace evidence can very easily be disturbed, destroyed, or accidentally removed from or introduced into the crime scene.

G. DNA/SEROLOGY (DEOXYRIBNUCLEIC ACID)

Potential DNA Sources:

- * Blood, urine, spit, sputum, vaginal secretions, etc.
- * Under fingernails
- * Bed clothing
- * Condoms
- * Inside of gloves
- * Licked evidence and postage stamps
- * Steering wheels

If the victim of a sexual assault indicates that she may have scratched her assailant, you may consider "bagging her hands" in order to preserve possible DNA evidence that may be located under her fingernails.

H. WEAPONS

Every effort should be made to avoid touching or moving any weapons found within the crime scene – especially firearms!

Should you need to move a weapon or other item(s) within the scene, be prepared to provide specific details concerning the positioning of the weapon, item(s) moved, victim proximity, furniture moved, etc.

I. INTRODUCTION OF FOREIGN ITEMS

If life saving efforts require that medical supply packaging be opened within a crime scene, simply leave the material within the scene.

DO NOT attempt to “clean up your material” in that you may inadvertently remove items of physical evidence.

II. ARSON TEAM

A. The purpose of the arson team is the following:

- To coordinate efforts of multi agencies working together.
- To have a clear direction on how to proceed in investigations.
- To have a clear understanding of legal standards for search and seizure

B. Arson Investigator

When the Incident Commander has suspicion or has identified a probable arson, the Incident Commander will notify the on call Arson Investigator or Duty Chief. The Arson Team will be composed of personnel from both Fire Service and the Sheriff’s Department. The team will be briefed on the reasons and circumstances for being called.

C. Arson Protocol

Written protocol is included in this manual for each Incident Commander. (See attachment i1). This protocol should be followed to make sure we have clear direction in the way Lexington County Fire Service handles all arson calls.

D. Search and Seizures

Included in this section are the applicable legal standards in the officer’s Search and Seizure Handbook. It is important that each firefighter understand the legal standards for Search and Seizure. Our courts have certainly recognized the necessity of emergency searches; however when the emergency is cleared, so is the search absent either consent or a warrant. A warrant is always preferred,

particularly in cases where the person in either actual or apparent control of the premises may later become a suspect with standing under the Fourth Amendment to object. From the officers Search and Seizure handbook is the applicable legal standard.

1. Law enforcement and firefighters do not need to obtain a warrant to enter a structure to rescue individuals or to fight a fire. *Michigan v. Tyler*, 435 U.S. 499 (1978); *Michigan v. Clifford*, 464 U.S. 287 (1984). Investigators may remain upon the premises for short period of time after the fire has extinguished to look for evidence of the cause and origin of the fire. *id.* This period may be extended if there exists a danger that remains may rekindle. *id.* To remain beyond this point, investigators must obtain the permission of the building's owner and/or occupiers or a warrant. The owner retains a right to privacy in the remains of a burned structure.
2. As well as any tenants or other occupying the building.

E. Evidence

The more conservation the fourth amendment approaches, the less likely it is that evidence would later be deemed inadmissible. Therefore, once the fire suppression efforts are completed; and Public Safety officials wish to search for evidence of a criminal offense such as arson, a warrant should be obtained to continue the search. In many fire cases an "expert affidavit" of a Fire Chief or other fire official may become necessary to establish probable cause. As in all emergency searches, once the emergency is over, so is the warrant less search.

Attachment i1

LEXINGTON COUNTY UNIFIED PROTOCOL RESPONSE TO FIRE SCENES

The most effective response to arson investigation is through the coordinated efforts of both Fire Service and Law Enforcement agencies. The purpose of this protocol is to establish clear direction to all personnel assigned to conduct fire investigations.

The unified agencies have established four dedicated arson investigative teams each consisting of one Fire Service Investigator and one Sheriff's Department Detective. These Arson Teams follow a prescribed weekly on-call schedule and will be dispatched according to this protocol.

Onset:

County Communications, having received a call for firefighting assistance, will dispatch Fire Service personnel to the incident. A Fire Service Incident Commander accompanies the firefighters in all such responses. The Fire Service Incident Commander will assess the scene to determine the necessity of the Arson Team as specifically outlined in the Arson Protocol.

I. Fire Scene/Incidents that "do not" require Arson Team response

1. Suspicious Vehicle Fire

- A. The vehicle is valued under \$10,000, is totally destroyed by fire, and there is no evidence to be collected.
 - 1. Fire Service will photograph.
 - 2. Sheriff's Department will dispatch a Road Deputy to complete an Incident Report.

Note: If the vehicle is valued greater than \$10,000, there is evidence to be collected and/or witnesses to a crime that need to be interviewed, the Fire Service Incident Commander will determine whether to have a Road Deputy complete an Incident Report or request further assistance from the Arson Team.

2. Suspicious Structure Fire –or – Cause Undetermined

- A. Structure fires on property "not" inhabited, uninsured, valued less than \$10,000, is totally destroyed by fire, and there is no evidence to be collected.
 - 1. Fire Service will photograph.
 - 2. Sheriff's Department will dispatch a Road Deputy to complete an Incident Report.

II. Priority Incidents that "do" require Arson Team responses

1. A fire causing death or serious injury to any person, including any responder.
2. A fire that damages or destroys any government property or facility containing any public documents.
3. A suspicious/undetermined fire resulting in the destruction or damage to multiple buildings.
4. Suspicious fires on property inhabited, uninsured, valued over \$10,000 is totally destroyed by fire, there is evidence to be collected and/or there are witnesses to a crime to be interviewed.
5. Fire with property damage in excess of \$100,000

Important Guideline: If the Fire Service Investigator and Sheriff's Department Detective determine further assistance is necessary from the State Law Enforcement Division, the Sheriff's Department will initiate all calls for such requests.

III. Church Fire Response

The State Law Enforcement Division and the Department of Alcohol, Tobacco & Firearms have requested notification when fires occur at churches or to structures on church sites. SLED typically responds to all church fires based upon a 1996 Directive from the Governor's Office. Lexington County supports this SLED initiative, and will follow the protocol outlined herein.

1. County will dispatch firefighters in standard fashion.
2. Immediate notification should be made from Communications to the Arson Team. If it is not known the structure is a church or property thereof at the time of dispatch, the Fire Service Incident Commander will assume notification responsibilities to the Arson Team.
3. The Sheriff's Department Arson Team Detective will follow executive procedures for notification to the State Law Enforcement Division and the Department of Alcohol, Tobacco & Firearms.
4. If for any reason SLED defers investigative responsibilities, the Arson Team will assume the continuance of the investigation.